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SENATE BILL 247

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Linda M Lopez

AN ACT

**RELATING TO PROCUREMENT; REQUIRING BIDDERS FOR PUBLIC WORKS
CONSTRUCTION PROJECTS FOR SCHOOL DISTRICTS AND SCHOOL BOARDS TO
SUBMIT PROOF WITH COMPETITIVE QUALIFICATIONS-BASED PROPOSALS OF
THE PROVISION OF MINIMUM WAGES AND FAMILY HEALTH CARE AND OF
THE REQUIREMENT OF DRUG AND BACKGROUND CHECKS WITH RESPECT TO
EMPLOYEES OF THE BIDDER AND ITS SUBCONTRACTORS; DECLARING AN
EMERGENCY.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 13-1-111 NMSA 1978 (being Laws 1984,
Chapter 65, Section 84, as amended) is amended to read:**

**"13-1-111. COMPETITIVE SEALED PROPOSALS--CONDITIONS FOR
USE. --**

**A. Except as provided in Subsection G of Section
13-1-119.1 NMSA 1978, when a state agency or a local public**

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1 body is procuring professional services or a design and build
2 project delivery system, or when the state purchasing agent, a
3 central purchasing office or a designee of either officer makes
4 a written determination that the use of competitive sealed
5 bidding for items of tangible personal property or services is
6 either not practicable or not advantageous to the state agency
7 or a local public body, a procurement shall be effected by
8 competitive sealed proposals. Competitive, sealed proposals
9 may also be used for contracts for construction and facility
10 maintenance, service and repairs. Competitive qualifications-
11 based proposals shall be used for procurement of professional
12 services of architects, engineers, landscape architects,
13 construction managers and surveyors who submit proposals
14 pursuant to Sections 13-1-120 through 13-1-124 NMSA 1978.

15 B. A bidder for a public works construction project
16 for a school district or a local school board who submits a
17 competitive qualifications-based proposal to that school
18 district or local school board shall submit with that proposal:

19 (1) proof that the bidder:

20 (a) provides wages to its employees in
21 accordance with the Public Works Minimum Wage Act;

22 (b) provides family health care to its
23 employees; and

24 (c) legally and contractually requires
25 its employees to submit to drug and background tests as a

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1 condition of employment; and

2 (2) proof that each subcontractor under
3 contract to the bidder who will perform work or labor or render
4 service to the bidder for that public works construction
5 project:

6 (a) provides wages to that
7 subcontractor's employees in accordance with the Public Works
8 Minimum Wage Act;

9 (b) provides family health care to that
10 subcontractor's employees; and

11 (c) legally and contractually requires
12 that subcontractor's employees to submit to drug and background
13 tests as a condition of employment.

14 ~~[B.]~~ C. The governor shall appoint an advisory
15 committee to provide assistance in development of rules for the
16 implementation of this section. The advisory committee shall
17 include one representative from the New Mexico building and
18 construction trades council, American federation of labor -
19 congress for industrial organizations, and a representative of:

20 (1) the associated general contractors - New
21 Mexico building branch;

22 (2) the New Mexico chapter of the national
23 electrical contractors association;

24 (3) the New Mexico sheet metal contractors'
25 association;

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- 1 (4) the mechanical contractors association of
- 2 New Mexico;
- 3 (5) the New Mexico association of counties;
- 4 (6) the New Mexico municipal league;
- 5 (7) the [~~state board of education~~] public
- 6 education department;
- 7 (8) the construction industries commission;
- 8 (9) the Rio Grande underground contractors
- 9 association;
- 10 (10) the American subcontractors association
- 11 of New Mexico;
- 12 (11) the higher education community; and
- 13 (12) the general public, who is not associated
- 14 with the construction industry and who will serve as chair of
- 15 the committee. "

16 Section 2. EMERGENCY.--It is necessary for the public
17 peace, health and safety that this act take effect immediately.